

REMARKS/ARGUMENTS

A. General:

1. Claims 1-5 and 8-12 are allowed.
2. Claims 1-12 remain under examination.

B. §102 Rejection:

The Examiner has rejected claims 6-8 under USC §102(e) as being anticipated by Bamburak et al (U.S. 6,430,396).

In an August 1, 2007, telephone interview with the Examiner, it was determined that claim 8 was rejected mistakenly and that claim 8, as well as claims 9 and 10 which depend therefrom, should have been allowed as well.

Bamburak et al. disclose an off-the-shelf (i.e., unmodified) mobile phone and the use of the one receiver in the phone; Bamburak et al. do not disclose MIMO/multi-receiver devices. What is recited in Applicants' claim 6 is a multi-channel synchronized system capable of observing a plurality of spectral bands simultaneously, the simultaneity to include a plurality of locations - if desired. The typical mobile phone disclosed by Bamburak et al. is (1) a single channel device, thereby forgoing the concept of local simultaneity that (2) does not even allow the possibility of the "local synchronization signal" recited in Applicants' claim 1 that triggers Applicants' plurality of receiver channels in a deterministic way. More specifically, what Bamburak et al. disclose is a single-channel device well known in the art that searches "a plurality of frequency bands" for a specific type of signal and ignores all the other signals and all the other bands, whereas Applicants' claim a system and a method by which a "plurality of receiver channels" observe a plurality of frequency bands (from "a plurality of locations", if desired) in deterministic simultaneity, and may record the raw observed data.

The storage method in Bamburak et al.'s description is specifically for the processed result of the search - as well as user parameters, as in Applicants' case. Specifically, Bamburak et al. store whether they identified a control channel at a particular frequency (within the cellular/PCS bands) and whether their preferred providers were found at those control channels. But Applicants use storage for the raw observations of their system. The storage type, capacity and access speeds for a mobile phone as disclosed by Bamburak et al. are substantially different than Applicants', for example, Bamburak et al.'s mobile phone does not have a terabyte of storage to store multiple simultaneous conversations (and, in fact, all the messages from control channels) as does Applicants' from different frequencies at specific times.

The Bamburak et al. method does allow for searching in "a plurality of frequency bands". However, this plurality is specifically limited in their claims to the subset of frequencies assigned to mobile service providers because their method is EXCLUSIVELY to search for user defined service providers. Their list is also limited to the tuning abilities of the transceiver in the mobile phone, whereas Applicants' limitation is based on the ability of each of Applicants' independently replaceable/configurable receiver channels. Bamburak et al. provide for a frequency schedule only in the sense of a sequence. In other words: look for user X at the cellular/PCS band M for some period of time, then look for user Y at band N, etc... . Applicants' schedule, on the other hand, is a schedule in that it also includes deterministic timing such that an arbitrary band (not limited to cellular/PCS) will be observed at a SPECIFIC time for a DETERMINISTIC duration, such that multi-site simultaneity can be assured. Bamburak et al. is specifically geared towards finding an "optimal" provider, so the schedule starts asynchronously and stops based on finding a provider, whereas Applicants' schedule is meant to start at specific times and not stop until specific times or user intervention. Again, these are very different technologies, so Applicants' schedule is similar to Bamburak et al.'s list only in name.

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With Regard to claim 7, in addition to the reasons cited above, Bamburak's frequency list is different from Applicants' frequency schedule in that Applicants' schedule is always followed as is clear from the claim language, whereas Bamburak et al.'s list is an input to a control loop that decides whether each item needs to be visited at all and for how long. Again, Bamburak et al.'s search is not deterministic.

C. Conclusion:

Claims 1-5 and 8-12 having been allowed, Applicants respectfully request that a timely Notice of Allowance be issued in this case for claims 1-12.

THE JOHNS HOPKINS UNIVERSITY
Applied Physics Laboratory

By Francis A. Cooch
Francis A. Cooch
Reg. No. 31,495
Tel.: (240) 228-5640

FAC/mmlb